THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:9743 of 2007

DATED:10-07-2007

BETWEEN:

Gajani Rushikeswara Rao.

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep., by its Secretary,
Department of Social Welfare & 2 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner and the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in not issuing caste certificate to the petitioner based on the caste certificate issued to his father, as illegal and arbitrary.

3. Petitioner claims to be of Benthu Oriya caste which comes under Scheduled Tribe community. It is stated that in fact, the father of the petitioner was given the Scheduled Tribe caste certificate vide S.No.114/78 by the then Tahsildar, Tekkali on 17-01-1978. It is the case of the petitioner that he has been studying B.Sc. final year and intending to appear for the P.G. entrance test for which he requires a caste certificate and accordingly he made an application, dated 06-01-2007, before the 3rd respondent-Mandal Revenue Officer, Tekkali mandal, Srikakulam District but the 3rd respondent has not considered and disposed of the said application so far. Hence, the present Writ Petition.

4. I am of the opinion that when an application has been made for issuance of community certificate it is for the competent authority to make an enquiry or follow the procedure as

contemplated under Rule 5 of the A.P (Scheduled Caste & Scheduled Tribe Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 (for brevity, 'the Rules').

5. Having regard to the facts and circumstances of the case, 3rd respondent is directed to consider and pass appropriate orders on the application of the petitioner, dated 06-01-2007, for issuance of the community certificate after making necessary enquiry or follow the procedure contemplated under Rule 5 of the Rules and if any doubt arises he can refer the matter to the committee under Rule 5(1) of the said Rules.

6. Accordingly, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

10th July, 2007.
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